

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION NO. 04-197(E)

EXHIBIT

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HAYNES INTERNATIONAL, INC., )  
a Delaware corporation, )  
Plaintiff, )  
-vs- )  
ELECTRALLOY, a Division of )  
G.O. Carlson, a Pennsylvania )  
corporation, )  
Defendant, )

CONFIDENTIAL: ATTORNEYS' EYES ONLY  
THE DEPOSITION OF JAMES ARTHUR LAIRD

The deposition upon oral examination of James Arthur Laird, a witness produced and sworn before me, Rebecca J. Swinney, RMR-FCRR, a Notary Public in and for the County of Morgan, State of Indiana, taken on behalf of the Defendant at the offices of Haynes International, Inc., 1020 Park Avenue, Kokomo, Indiana, on the 30th of August, 2005, pursuant to the Federal Rules of Civil Procedure with written notice as to time and place being filed.

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1 APPEARANCES  
2

## 3 FOR THE PLAINTIFF:

4 Lynn J. Alstadt, Esq.

5 BUCHANAN INGERSOLL

6 One Oxford Centre

7 301 Grand Street

8 20th Floor

9 Pittsburgh, PA 15219

10 412-562-1632

## 11 FOR THE DEFENDANT:

12 Emily J. Barnhart, Esq.

13 BLANK ROME, LLP

14 One Logan Square

15 18th &amp; Cherry Streets

16 Philadelphia, PA 19103

17 215.569.5494

## 18 INDEX OF EXAMINATIONS

19  
20 Direct Examination

Page

5

21 Questions By Ms. Barnhart

22 Cross-Examination,

231

23 Questions By Mr. Alstadt

24

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1                   JAMES ARTHUR LAIRD,  
2 having been first duly sworn to tell the truth,  
3 the whole truth and nothing but the truth relating to said  
4 matter, was examined and testified further as follows:  
5

6                   DIRECT EXAMINATION,

7                   QUESTIONS BY MS. BARNHART:

8                   Q        Okay. Could you please state  
9 your full name for the record.

10                  A        Um-hum. James Arthur Laird.

11                  Q        Okay. And I'm going to go  
12 over a few general rules and I apologize if  
13 you've heard them before.

14                  I remind you that you're  
15 under oath today and our court reporter is  
16 going to take down everything everyone in the  
17 room is saying, and as a matter of courtesy  
18 for everyone, especially the court reporter,  
19 we just ask that you wait till a question is  
20 finished and not speak over one another;  
21 otherwise, it's so difficult for the court  
22 reporter to take down what people are saying.

23                  Also, if you could verbalize  
24 "yes" or "no" rather than shaking your head

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1 product.

2 Q And is it also typical that  
3 in addition to the alloy name that Haynes  
4 includes the Hastelloy trademark on its  
5 products?

6 A I think where applicable that  
7 is, probably, the practice.

8 Q So is every product produced  
9 by Haynes, every form, able to be stamped  
10 into the metal as these first four or so  
11 pages show?

12 MR. ALSTADT: I'm going to  
13 object to this. There's no showing,  
14 there's been no evidence that this  
15 marking is by stamping it into the  
16 metal. In fact, I think there's  
17 been other evidence introduced in  
18 the record that shows it's either  
19 stencilled on or roller marked on.

20 So --

21 QUESTIONS BY MS. BARNHART:

22 Q Can you explain how Haynes  
23 marks its products when they are produced?

24 A We have automated ink jet

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1 equipment that as the product comes off the  
2 finishing line it automatically is marked  
3 onto the product.

4 Q Onto the product itself?

5 A Yes.

6 Q And the markings are put on  
7 with ink?

8 A It's some type of ink, yes.

9 Q Has this always been the way  
10 Haynes' products are marked?

11 A As far as I know it is, yes.

12 Q So are the pages that we  
13 looked at, 31, HE319 through HE322, are those  
14 showing ink on the product?

15 A I believe so from what I can  
16 see. It appears that way.

17 Q And is this, typically, how  
18 Haynes marks its products with the ink stamp?

19 A Yes, typically, it's an ink,  
20 as Lynn indicated, it's roller marked or it's  
21 an ink jet process.

22 Q And do you have familiarity  
23 with how long the ink stays on the product?

24 A I've not known it to come off

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1           A        I believe so.

2           Q        And has Corrosion Materials  
3    been contacted more than once with respect to  
4    Haynes' C-22?

5           A        That, I don't know.

6           Q        And what is your, what is  
7    your understanding of the issue that Haynes  
8    has with respect to its C-22 mark and  
9    Corrosion Materials?

10          A        It was how it was being used  
11    and not being, if I recall correctly, not  
12    being referenced properly with respect to  
13    ownership of the trademark.

14          Q        Do you know how Corrosion  
15    Materials was using --

16          A        I don't remember.

17          Q        Do you believe that C-22 is a  
18    strong mark?

19          A        Yes, I do.

20          Q        Do you believe that customers  
21    or potential customers in the marketplace  
22    view C-22 as exclusively designating Haynes  
23    as a source of the N06022 product?

24          A        Yes, I do.